



## **Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division**

**Date:** August 13, 2015

**To:** Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

**Referral to:** Zoning & Planning Committee

**Subject:** Appeal of one condition of approval applied by the Heritage Preservation Commission in their July 14, 2015, action to approve a Certificate of Appropriateness for the rehabilitation of an existing building. The property is located within the Warehouse Historic District.

**Recommendation:** The following action was taken by the Heritage Preservation Commission on July 14, 2015 (BZH-28733):

#### **4. 414 Third Avenue North, Ward 3 Staff report by Lisa Steiner, BZH 28733**

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt staff findings for the application by Hal Pierce of HPA Architecture for the property located at 414 3rd Avenue North:

##### **A. Certificate of Appropriateness.**

Action: The Heritage Preservation Commission adopted staff findings and **approved** the certificate of appropriateness to allow the rehabilitation of the existing building, subject to the following conditions:

1. The original steel sash windows on the third and fourth floors of the front façade shall be retained and repaired rather than replaced.
2. The existing windows on the second floor of the front façade may be replaced with new windows which are compatible in material, type, style, operation, sashes, size of lights and number of panes of the original windows.
3. Replacement windows on the rear façade of the building shall be compatible in material, type, style, operation, sashes, size of lights and number of panes of the original windows.
4. Final plans shall be approved by the Department of Community Planning and Economic Development.
5. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approved is substantially begun and proceeds in a continuous basis toward completion. Upon

written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than July 14, 2017.

6. By ordinance, all approvals granted in this certificate of appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.

**Absent:** Hunter Weir

**Aye:** Bengtson, Faucher, Haecker, Lackovic, Vork

**Nay:** Hartnett, Mack, Olson, Stade

**Motion passed**

Prepared by: Lisa Steiner, City Planner, (612) 673-3950

Approved by: Jason Wittenberg, Planning Manager, Land Use, Design and Preservation;  
Steve Poor, Development Services Director

Presenters in Committee: Lisa Steiner, City Planner, (612) 673-3950

### **Financial Impact**

- No financial impact

### **Community Impact**

- Neighborhood Notification: The neighborhood group and property owners within 350 feet of 414 3<sup>rd</sup> Avenue North were notified of the Zoning and Planning Committee meeting.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: On August 3, 2015, the City extended the decision period to no later than October 17, 2015.

### **Background/Supporting Information**

Paul and Jennifer Oxborough have appealed one condition of approval applied by the Heritage Preservation Commission in their approval of a Certificate of Appropriateness for the property at 414 3<sup>rd</sup> Avenue North. The Certificate of Appropriateness is for the rehabilitation of the existing building and conversion into one dwelling unit, artist studios, and commercial space. The condition appealed requires that the remaining original windows on the front façade be retained and repaired, rather than replaced.

At its meeting on July 14, 2015, the Heritage Preservation Commission voted 5-4 to approve the Certificate of Appropriateness subject to 6 conditions, upholding staff recommendation. The appeal (attached) was filed on July 23, 2015.